

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Display Vectors LLC,

Plaintiff,

v.

Sound Around Inc.,

Defendant.

1:21-cv-3230(PKC)(SJB)

Patent Case

Jury Trial Demanded

**UNOPPOSED MOTION TO EXTEND TIME TO RESPOND
TO COMPLAINT TO SEPTEMBER 10, 2021**

Defendant Sound Around Inc. (“Sound Around”) submits this unopposed motion to extend the time to respond to the present action to September 10, 2021 based on the facts presented in the accompanying declaration of Jerry Brach (“Brach Decl.”).

As shown in the Brach Decl., Plaintiff never served the lawsuit herein on Sound Around directly. Instead, it served the present action on the New York Department of State, as agent for Sound Around. The lawsuit papers reached Sound Around on August 4, 2021.

Neither party nor the Court is prejudiced by the extension requested herein. The Plaintiff has consented to the requested extension.

None of the cases cited by the Court mandate or even justify issuance of a default judgment under the facts herein. *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 96 (2d Cir. 1993) makes it crystal clear that “general principles cannot justify denial of a party’s fair day in court except upon a serious showing of willful default,” which is wholly absent here. In *Enron Oil*, the plaintiff requested the default, and the defendant failed to submit a timely opposition; here, Plaintiff has consented to it (expressing a desire to engage in settlement discussions rather than

incurring monetary expenses on perhaps unnecessary Court proceedings). Indeed, in an email communication dated August 10, 2021, Plaintiff's attorneys informed Defendant's undersigned counsel that Plaintiff will not oppose the present motion.

WHEREFORE, Sound Around requests that the Honorable Court enter an order granting Defendant until September 10, 2021 to answer or otherwise respond to Plaintiff's Complaint.

Dated: August 11, 2021

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